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THE HAWAIIAN STAR

The Hawaiian Star is the paper that goes into the best homes of Honolulu

VOL. IX.

HONOLULU, H. I., THURSDAY, FEBRUARY 13 1902

No. 3042

HE WAS DREAMING

WHY AH CHONG COMMITTED FORGERY.

Dreamed That He Got \$50 From a Bank and Went and Got It—New Appeals.

A lot of appeals from the District court have been filed in the Circuit court, making more criminal business for the term. Ah Chong, alias Chock Chong, appeals from a sentence of one year for forgery, after having pleaded guilty in the lower court. Chong has a peculiar excuse to make. He says that he was hard up and couldn't get any money. He said to sleep and dreamed that he got \$50 from a bank by signing the name of Wong Kwai to a check for that sum.

On waking Chong was so impressed by his dream that he proceeded to make it good. He made out a check for \$50, signed the name of Wong Kwai, and he got the \$50, but here is where the dream went wrong. In the dream he was "all right" after getting the money but in real life he was arrested and Judge Wilcox refused to consider it a dream at all and gave the unfortunate labor.

Tarada and eight other Japs appeal from a sentence of \$20 each for assault and battery on a luna whom they thought had been a cause of their getting fired. According to the testimony they all set on him at once, striking him in the back and front and doing a very good job. They were found guilty of assault and battery.

Three Porto Rican ladies, who got two months each for vagrancy have also appealed. They are Louisa Torres, Miralida Angelina Rivera and Olivia Luis. Victor Gunn, who got a month for assault and battery on Lee Eke, who was fined \$5 for using vulgar language while trying to collect a small bill, are also appellants.

Hum Chun and nine companions who were caught paying dominoes have appealed from a fine for gambling and H. H. Kauwe and Mrs. M. N. Minerva, convicted of adultery and fined respectively \$30 and \$15 also take their case to the higher court.

LIMIT OF HOLDINGS.

Attorney General Dole this morning rendered an opinion before the Executive Council, as asked by the Governor, as to how far the thousand-acre ceiling in the organic act limits the powers of the Territory to sell and convey land. He advised the council that the act on the presumption that the clause applies to the full extent which Congress evidently intended, and says "In case of a sale of public land, I think no bid should be accepted from a corporation owning a thousand acres."

NEW NOMENCLATURE.

A small crowd of natives temporarily blocked Fort street this morning to listen to the music of a quartette club that was engaged to play at the opening of a new cigar store. The store in question adds a title to American nomenclature. Its owner James Dougherty having blazoned forth his name as a "Cigarist." Following that rule the man that sells a bicycle must necessarily be a bicyclist which he probably usually is; the man who exploits new schemes a methodist and the purveyor of infant's food a pap-lut.

MOHAMMED KHAN WAS FULL.

Mohammed Khan was before Judge Wilcox this morning to answer to a charge of having been drunk. Mohammed was permitted to wear his turban in court but he was not shown any other consideration for the court fined him \$2. Mohammed denied it was the transmigration of the cash.

DOES PIG PENS.

A Japanese named Doh, residing in Pauoa appealed to the Board of Health yesterday from an order of City Sanitary Officer Tracy, directing him to remove some pig pens. Doh said that his pigs were his only means of livelihood and that he had a wife and four children. Tracy stated that the pens were in good condition but were in a locality becoming too thickly settled for pigs. The matter was referred to Drs. Moore and Sloggett for investigation.

LAMB POT PIE.

Look out for the searchlight on the Heights.

THE SEARCHLIGHT.

Look out for the searchlight on the Heights.

Houses For Rent

At Waikiki, a complete furnished seven roomed house, stable, servant's quarters, ample grounds. Situated in a desirable part of the beach.

In Nuuanu Valley, above Wylie street, an unfurnished cottage.

And beyond Diamond Head, a furnished house in an attractive location.

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CAUGHT A RUNAWAY

MOUNTED OFFICER BORTFELT WAS HURT TODAY.

Was Jammed Against a Fence by Bolting Team This Morning—He was Taken to Hospital.

Mounted Officer Paul Bortfelt did a spectacular piece of runaway catching this morning near the junction of King and Beretania streets. A team of horses drawing a heavy delivery wagon was standing by Harry Juen's saloon after the delivery of some beer. The driver was at the head of the horses, polishing the harness. Some Chinese evidently belated in his celebration of New Year, set off a quantity of firecrackers in an adjoining yard. The team took fright and bolted.

Bortfelt was nearly on his horse and saw the team coming. He rode up and caught the bit of one of the horses. The animal reared into a fence and jammed Bortfelt's horse between the fence and the beer wagon. The horse was cut and bruised on the body and legs and turned completely over. Bortfelt clung onto the runaway horses however, although he was bruised about the legs and stopped them.

Bortfelt was so badly hurt that he was taken to the Queen's Hospital. His horse was hurt and it may have to be killed. A veterinary surgeon took charge of the horse.

DAN CUPID FLOUTED

VALENTINES NO LONGER SENT IN HONOLULU.

Old and Romantic Custom Seems to Have Lapsed Into Innocuous Desuetude Locally.

The old established custom of St. Valentine's day with its exchange of tributes, its valentines with pictures of Cupids and hearts stabbed with unengaged darts surrounded by lacy fringes of perforated paper, sometimes gilded and sometimes sprinkled with little bouquets of flowers, generally forgotten by the time the day comes, but in Honolulu it has progressed very much more smoothly. A young couple, usually dressed in pink and blue the lady carrying a yellow parasol, meandering up a sidewalk, with a cupid on the lady's dress and the "dear old daddy to a mistress" exclaiming, "the delicious thrill with which 'she' looked timidly out of window on Valentine's morning to see her little bouquet being very carefully tucked into the milkman's or the baker's bag; all these have apparently passed into desuetude, at any rate locally, and the mail carriers of Honolulu will not dread St. Valentine's Day with a hunting reminiscence of a heavy load of love's missiles.

Even the storekeepers have practically given it up. Wall, Nichols forgot to law in a stock at all but hope to revive the custom next year. The Hawaiian News Company also ignored it. Thrum has a few lace ones in case the Golden Rule Bazaar has still fever with a dozen or so comic ones among them. Those vulgar caricatures ruined the fun. Used on old maids, duffers and bachelors, the harmless, but the fun soon grew to cruel earnestness and the sentimental valentine disheartened from the field.

Some years ago a ten dollar valentine, elaborate in its lace and ribbon was thought nothing of. The more ardent lover would enclose a bottle of perfume or other gift to his "lady fair," the more aesthetic send a box of roses or violets with a quatrain indited to the charms of his mistress and St. Valentine's Day was eagerly looked forward to.

The growth of education with its flat that the birds do not "sitte on ey sprays" and mate on Valentine's Day, because they are generally far from their nesting place at that period, has practically swept the pretty fancy out of existence. February 14 is still a saint's day on the ecclesiastical calendar as being the day on which St. Valentine was beheaded by the Romans but the "mating idea" that invoked the muse of Chaucer and has eased the path of love to the breast of many lovers of all degrees is dying out as automobiles come in. Cupid has lost one of the choicest arrows in his quiver.

BANK.

The First National Bank of Waikiki solicits collections on all parts of Maui and guarantees prompt and careful attention and reasonable charges.

A GOOD APPETIZER.

A ride up Pacific Heights is a good appetizer.

WHITE DRESSES.

This week L. B. Kerr & Co. have a grand display of white muslin English lewis, India luens, Swiss muslins, Nahnooks, etc., at prices only to be obtained at their store.

Advertise your Wants in the Star.

Stop Rubbing!

See What You Write!

PEARSON & POTTER CO., LTD.
AGENTS

PRIMO LICENSES ARE ILLEGAL

ESTEE ENJOINS WRIGHT FROM ISSUING MORE SUCH LICENSES.

HONOLULU BEER LAW DECLARED UNCONSTITUTIONAL.

Law Granting Cheaper Licenses to Sellers of Local Product Discriminates Against Easterners.

United States District Judge Estes this morning decided the Primo beer case in favor of the plaintiffs, declaring the law under which the Honolulu beer licenses were issued to be unconstitutional and ordering an injunction issued to restrain Treasurer Wright from issuing any more such licenses. Estes holds that the Hawaiian law under which the licenses for Primo beer were granted is a clear discrimination against beer manufactured in other parts of the United States and Territories and is therefore unconstitutional. His decision applies to all of Part 4, of chapter 41 of the Penal Laws, which contains the provisions for retailing Honolulu beer.

The decision, after reviewing the facts in the case, is as follows: From the testimony of the defendant, W. H. Wright, it appears that twenty-five of these licenses were issued between July 1, 1901, and November 25, 1901, and the testimony further shows that certain of the licensees are now doing business thereunder.

It further appears from the testimony of Mr. Wright, that before the commencement of these proceedings, the defendant, through Mr. Robertson, one of his attorneys, made a demand upon him for a license to sell foreign brewed beer for the same fee required under the law for a license to sell Honolulu beer, to-wit: \$250 per annum, and the said defendant testified that he refused to issue said license.

Sections 479 to 482, of Part V, chapter 41, of the Penal Laws, and under which laws some twenty-five licenses were issued by the Treasurer of the Territory, as appears in evidence, neither authorize the Treasurer to issue licenses for one year for a fee or tax of two hundred and fifty dollars to any person who desires to sell "malt liquors manufactured in Honolulu," by the use of or in any other quantities less than five gallons, upon the exception of a bond that he will not "sell or otherwise dispose of on the premises for which he is licensed any wines, malt liquors, or other liquors, except such as are manufactured in Honolulu," and also that he will not store or allow to be stored on the premises for which he is licensed, any wines, malt liquors or any spirits of any description whatsoever, except such beer manufactured in Honolulu.

The "wholesale vending of spirituous liquors," under Section 429 of the Penal Laws, in which one of the plaintiffs is engaged, and for which an annual fee of \$200 is required, is not included in the license to sell liquors in the original packages imported and in no other manner. Four of the plaintiffs who have been licensed under Section 429 of the Penal Laws, having what are known as "retail" licenses, and for which they pay five hundred dollars a year, are privileged to sell "ardent spirits in quantities not less than one gallon, wines, ales, and other liquors, except such as are manufactured in Honolulu, in quantities not less than one dozen bottles, but which, if bottled, such liquors shall not be drunk or used on the premises where they are sold."

While Lawrence H. Doe, the remaining plaintiff, has what is known as a "retailer's" license under Section 481, 482 and 486, of the Penal Laws for which he pays an annual fee of one thousand dollars and which entitles him to sell and dispose of any spirituous liquors, except such as are manufactured in Honolulu, in quantities not less than one half-pint five o'clock in the morning and half-pint eleven o'clock at night, except Sundays.

It seems to me clear that upon the facts in this case, it is evident that the law is grossly discriminating against a foreign manufactured commodity, in this instance foreign manufactured beer, and that this is made absolutely plain from the testimony of Mr. Wright as the defendant, and his attorney, in a conversation with Mr. Robertson, one of the attorneys for the complainant in relation to the issuance of a license to them, said:

You informed me what you wanted and I told you that I would not issue a license under the law (Act of 1885) to sell foreign beer and you then told me that perhaps there would be a suit brought against me. I refused to issue a license under that law for the sale of beer manufactured outside of Honolulu.

The Court: Let us get at it. For a manufacturer of the mainland beer to sell beer in this Territory, he must pay to the Treasury a thousand dollars a year, is that so?

A. They must obtain a retail liquor license.

Q. For a thousand dollars a year?

A. Yes, sir; which permits them to acquire, permits them to sell everything.

Q. But they cannot sell that imported beer unless they have one of those thousand dollar licenses?

A. That is correct.

Q. And they can sell home beer for \$250 a license, is that correct? A. Yes, sir.

In other words, any man to whom a license is issued to sell and who will give bond to sell none but Honolulu beer, can do so for a license fee of \$250 a year; but any man who desires to sell imported beers at retail, must take out a retailer's license and pay \$1,000 a year or exactly four times the amount he would have to pay to sell home brewed beer alone, and while paying this \$1,000 a year, he is not even permitted to sell the Honolulu commodity thereunder.

Clear discrimination is shown as against the manufacturers of the foreign commodity, for which they have a right through their agents to complain, and the fact that the \$1,000 license also covers the sale of spirituous liquors other than beer is a mere incident; the fact remains that the imported beer cannot be sold except upon

KASABRO READ NOVELS

EFFORT TO PROVE HE WAS INSANE.

Interpreter Harbottle's Accuracy is Questioned in Trial of the Alleged Murdered Before Gear.

The prosecution closed its case against Fumaki Kasabro, charged with murder this morning and Attorney E. B. M. (Takahashi) opened the defense, announcing a claim of insanity. "There is no question that the defendant killed his child," said McClanahan, "but we shall show that he was insane at the time."

Complaints have been made that Interpreter Harbottle was not accurate and this morning, by order of Judge Gear, Chester Doyle, the former interpreter, and Editor Shirozawa of Hawaii Shinto, were in court comparing notes on Harbottle's interpretations. They heard a number of inaccuracies, according to their report, and once McClanahan made a kick.

About an hour was spent with one Fukuyama, who had been acquainted with Kasabro and told about his novel reading tendencies. It appeared that Kasabro used to read Japanese novels a great deal, and became much excited over them. Sometimes, when he read exciting parts he would get very much disturbed and often Fukuyama observed that he was much enraged at what he read. Fukuyama also got excited. Kasabro often read passages aloud and wept or got mad according to the nature of the passage. After a lot of wrangling with the witness McClanahan was finally stopped by the court, the Judge remarking that the matter had been some into enough and it wasn't evidence of insanity anyhow.

There are books that would make anyone weep, or get mad," said the Judge. "And this witness has said that he was disturbed, just as the defendant was."

It was during the examination of Fukuyama that McClanahan complained of Harbottle's interpretations. Both Shirozawa and Doyle agreed upon an important error in the repetition of the witness' answers, but Harbottle stuck to his own version.

J. R. Higby, head overseer of the American Sugar Company, said that Kasabro had shown a great many eccentricities when he was stableboy on the plantation. He was grumpy at times and often became very angry when people who were not his bosses tried to give him orders. He was, however, a faithful and very efficient worker in the stable. C. H. Sawyer, carpenter at the plantation, testified to much the same facts. Mrs. Center and Lelie were also called for the defense.

The jury heard the case in the forenoon of the following: James Mesnerberg, A. Garty, Charles G. Spencer, E. K. Kaul, John H. Drew, D. Naunau James Jaeger, W. E. Devereaux, M. H. Hough, J. C. Crockett and W. R. Cassel Jr., and W. J. Ordway.

AFTER GRAND JURY

JUDGE WILCOX ADMINISTERS A "ROAST."

Thinks that One Would Wait Up to Serve for Duty if Chicken House Was Robbed.

"Well, there is hardly any use trying this case and committing the defendant," remarked Judge Wilcox this morning, "for the grand jury will probably not find an indictment." He was formed yesterday by one of the grand jury that they would not bother finding indictments for little offenses.

The occasion of Judge Wilcox making this rather caustic comment this morning was the arraignment of a Chinese named Ah Pui, on a charge of larceny in the second degree. The Chinese was accused of having taken some black send belonging to the government. Pui wanted the case continued, so the court continued it to February 18th in which to prepare for examination.

"The grand jury seems to think," continued the court, "that they do not wish to be bothered by such little cases. I just wish that the grand jury who spoke to me would find his chicken house robbed some night and then, perhaps, he would enjoy the petty offenses being committed."

WAS NOT PRIVILEGED.

Saito was charged with common nuisance this morning. He admitted the offense but pleaded extenuation because of his ignorance of city customs. He said he was a plantation Jap and had come but recently to Honolulu.

"Well you mustn't think," remarked the court, "that simply because you are a plantation man that you are any more privileged than any one else. Some of the plantation managers seem to think that they are but they are mistaken. You must remember you are living in a civilized community now. We are all American citizens. You can go without a fine this time."

BILIOUS COLIC.

H. Seever, a carpenter and builder of Kento, Tenn., U. S. A., when suffering from an intense attack of bilious colic, sent to a near by drug store for something to relieve him. The druggist sent him a bottle of Chamberlain's Colic, Cholera and Diarrhoea Remedy; three doses which effected a permanent cure. This is the only remedy that can be depended upon in the most severe cases of colic and cholera morbus. Most druggists know this and recommend it when such a medicine is called for. For sale by all dealers, Benson, Smith & Co., general agents, Hawaiian Islands.

A GOOD INVESTMENT.

The Oriental Life Insurance Co. is the original and only home company. No better investment can be made than by purchasing one of their policies.

SEMI-WEEKLY STAR.

Honolulu people who are going abroad can have the Semi-Weekly Star added to any address for the small sum of twenty-five cents a month. The Semi-Weekly Star contains all the local news of importance, besides the daily stock quotations.

KAHU NOT SUBSIDING

PROF. LYONS SAYS NO FEAR NEED BE FELT.

Record of Mean Sea Level Shows that The Island is Firm on Its Foundations—The Weather.

Prof. Curtis J. Lyons thinks there is no reason to fear that the Island of Oahu is subsiding. He bases his belief on the records of the daily mean sea level. In his report of the meteorology for January, he says:

"The average daily mean sea-level for January was 9.30 feet on the scale; 10.00 representing an assumed annual mean, and 9.85 the actual mean for ten years."

"There is evidently no reason for fear that the island is subsiding." The report for January introduces a new observer and a new point of observation into the territorial weather records. The new observer is Mr. Fleming, who is in charge of the United States Coast and Geodetic Survey Makolei observatory near Sinal, Ewa. On an elevation of 50 feet, Mr. Fleming furnishes the following figures for the month:

"Rainfall, 9.99; mean maximum temperature, 80.9; mean minimum, 61.6; probable mean temperature, 70.4; dew point 3 a. m., 61.8; 3 p. m., 66.7; mean relative humidity, 76."

Kohala, Dr. B. D. Bond, reports mean dew point, 62.1; relative humidity 78.

A JEWISH CEMETERY

MONEY NOW IN HAND TO CARRY OUT PLAN.

Plot Has Been Secured and Will Be Improved—A Receiving Vault will be Speedily Built.

The plot of burial ground in Pearl City cemetery which has been chosen by the Jews for the exclusive use of their religion and its followers, will soon be put into order and be ready for any funeral rites that may occur among the Hebrews of the community. The committee appointed to solicit and collect the subscriptions necessary for the purchase of the ground and erection of the vault have had no difficulty in raising two thousand dollars for the purpose and will have the money in their hands before the end of the month.

The lot is situated immediately to the right of the entrance of the cemetery from the railroad and is located on a rising knoll shaded by trees. Walks will be laid out and the plot probably contain an area of something like 75 by 150 feet.

The chief expense of the enterprise lies in the building of the vault which will be used for the temporary reception of bodies pending the arrival of the steamer. Most of the local Jews have plots of land already belonging to them on the mainland, many in San Mateo cemetery. These have no wish to be buried here and under the law any body interred in the ground cannot be exhumed until after six months. The vault will do away with this waiting period and allow the remains of beloved ones to be transferred according to their wishes with the merely incidental delay between steamers.

SHREVEALTY CHANGES.

Walter Wright, deputy sheriff for Waimea, Kauai, has resigned because his private business required his time and attention. W. E. Crowell, deputy sheriff for Koloa, has been appointed to succeed him. Crowell was formerly clerk in the high sheriff's office in Honolulu. No one has yet been appointed to succeed Crowell at Koloa.

On Maui, William Saffery will be appointed Deputy Sheriff for the island to succeed H. S. Haywood, his appointment to take effect March 1. Saffery has been on the sheriff's force for about six years, and for some time he has been captain of police at Waikuku.

DIDN'T KNOW.

People didn't know that the beautiful shirt fronts Chauncy wore at the Calico Ball were merely new 1902 designs of Beal's wall paper. Call on Beal and see them.

ICE HOUSE DELICACIES.

Camarinos California Fruit Market is the place for ice house delicacies. Everything the California market affords at this season of the year can be found at Camarinos.

THE LATEST FAD.

Evening parties at the "Tea House" on the Heights is the latest fad.

SALE OF LINEN GOODS.

Kerr's sale of linen goods is well worth the attention of Householders. Linen Sheetings, Table Cloth, Table Napkins, Linen, Towels, etc., at prices that can't be duplicated.

Advertise your Wants in the Star.

ROYAL Baking Powder

Made from pure cream of tartar.

Safeguards the food against alum.

PRIMO NOT DEAD YET

Brewing Company Will Appeal in the Mean Time the Ten Cent Saloons Will Keep Up.

The decision of Judge Estes, if it is good law, virtually puts the Honolulu Brewing Company out of business, and ex-Judge Sullivan, counsel for the brewery, in the case just decided, this morning, "It deals a hard blow at a brewing local concern, but personally I am of the opinion that it is not good law, and we shall take an appeal."

"The immediate effect of the decision will not be much, for our appeal will stay any effect it might have on the business, and it may be a year before the matter is decided by the highest court. We take the position that the Judge had no right to take jurisdiction at all. Judge Estes's court is a Territorial court, not a United States District court, and the State has no right to be held that the features of the law which restricts the holders of the licenses under discussion to the sale of Honolulu beer is objectionable, that feature of the law might have been stricken out and the rest left to stand. There is no doubt that the rest of the law is proper, and the court has power to strike out an objectionable feature and leave the rest. As a matter of fact, the law has been re-enacted by Congress, and we hope that the higher court will sustain it."

The news that Estes had knocked out the Honolulu beer licenses spread quickly about the city this morning, and there was a considerable loss among the small saloons that handle Primo. Some of them feared that they would be closed forthwith, but they are not in immediate danger. There is nothing in Estes's decision, in fact, which reflects on saloons at all, unless the Territorial courts should proceed under it, which they are not likely to do until they have heard and decided it for themselves. Under Estes's ruling the licenses were issued under an unconstitutional status, and as therefore void, but unless the Attorney General and the Territorial courts accept this view there will be no prosecutions for selling beer without a license.

If the matter goes up on appeal, it is not likely to be decided until after another Legislature has met and had a chance to pass a new license law which will hold water. The local makers of beer are willing to have all beers on the same basis at \$250 per year license, and would not appeal it. Estes had merely made an order striking out that part of the law which restricts any licenses to Primo.

WERE SHOOTING TRAPS.

Tom Kantohe and Kilohele were tried this morning by Judge Wilcox to answer to a charge of assault and battery on Mana, another native. The latter claimed that Kantohe had knocked him over on account of a dispute over some money being wagered in a crap game. Kantohe ran away and Mana ran after him, whereupon the other defendant struck Mana in the side of the face with a rock. Both defendants admitted that they had been playing "7-11" and one said that Mana had drawn a knife. No evidence corroborative of the stone throwing was introduced, so the court discharged both defendants.

CALICO BALL PROCEEDS.

The bye and far infamously will probably profit by the Calico Ball receipts to the tune of about \$450 as far as can be estimated. A Stadlander is the treasurer of the affair but has not been able to make a report owing to the dilatoriness of several of the ladies who had been distributing and who have neglected to make their returns to the original ticket committee.

CREDITABLE EXAMINATION.

The examination of the Provident Savings Life Assurance Society, which has been in progress during the past two months at the hands of the insurance departments of Tennessee and Texas, has been concluded. Both departments were ably represented by their examining officials and the result of their investigations is highly creditable to the society. The United States Review, Oct. 3, 1901. A. Newhouse, resident manager; 15-16 Progress block.

Ads under "Situations Wanted."

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REPRESENT THE HIGHEST STANDARD IN GOOD WEARING, COMFORTABLE AND NEAT FITTING FOOTWEAR.

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